

Notice of Allowability

Application No.

10/733,939

Examiner

George R. Koch III

Applicant(s)

VAN DER STEUR, GUNNAR

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/14/05.
2. ☒ The allowed claim(s) is/are 1-4,6-11 and 13-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with E. Alan Uebler on 11/23/2005.

The application has been amended as follows:

Claim 13, lines 1-2, delete "containment and storage of said coating product is effected within" and insert "said deformable membrane is".

Drawings

2. The drawings filed 12/10/2003 have been accepted by the examiner.

Allowable Subject Matter

3. Claims 1-4, 6-11, and 13-30 are allowed.

4. The following is an examiner's statement of reasons for allowance: With respect to claims 1-4, 6-11, and 13-28, the prior art of record does not suggest that the containment and storage of the coating product prior to spraying are effected within a deformable membrane housed within the storage tank. With respect to claim 13, the prior art of record does not suggest that the containment and storage of coating product

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is effected within a balloon like chamber housed within said storage tank prior to spraying.

The use of membrane, bellows or bladder-like containments is known (see, for example, Yoshida, US Patent 6,164,561). However, these containments are housed in a separate storage tank and are not connected to supply conduit, in essence functioning as paint supply cartridges (see Figure 14 and columns 21-22, and especially column 22, lines 36-51, which discloses that the cartridges allow for the elimination of paint supply hoses or conduits, while the instant invention requires hoses/conduits).

With regard to claims 29 and 30, Ehinger discloses many of the limitations of claim 29 (such as those in claim 1 and 2 - the spray applicator, the paint sources, the insulative storage tank). However, Ehinger does not disclose that the containment and storage of the paint prior to spraying are effected within a deformable membrane of a FEP elastomer. The use of membrane, bellows or bladder-like containments is known (see, for example, Yoshida, US Patent 6,164,561). However, these containments are housed in a separate storage tank and are not connected to supply conduit, in essence functioning as paint supply cartridges (see Figure 14 and columns 21-22, and especially column 22, lines 36-51, which discloses that the cartridges allow for the elimination of paint supply hoses or conduits, while the instant invention requires hoses/conduits).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III
Primary Examiner
Art Unit 1734

GRK
11/23/2005